

PATENT MAINTENANCE
DUE

PATENT

Attorney Docket No.: 678-728 (P9744)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT & TRADEMARK OFFICE
COMMUNICATIONS SECTION

APPLICANTS: SIN, Dong-Jun GROUP ART UNIT: 2617
SERIAL NO.: 10/024,922 EXAMINER: SMITH, Sheila B.
FILED: December 19, 2001 DATED: October 25, 2006
FOR: **METHOD OF FORWARDING AN SMS MESSAGE
IN A MOBILE COMMUNICATION SYSTEM**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Refund Section
Accounting Division
Office of Finance

REQUEST FOR REFUND

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to a payment for second and third months extension of time incurred because of a delay that is believe to have been caused by the U.S. Patent and Trademark Office with respect to the above-identified application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth immediately below.

Dated: October 25, 2006


Michael J. Musella

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II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

AMOUNT OF REFUND REQUESTED

<input type="checkbox"/>	filing fee	
<input type="checkbox"/>	surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e) and/or	
<input type="checkbox"/>	surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)	
<input type="checkbox"/>	extension of term	
<input type="checkbox"/>	first month	
<input checked="" type="checkbox"/>	second month	\$ 330.00
<input checked="" type="checkbox"/>	third month	\$ 570.00
<input type="checkbox"/>	fourth month	
<input type="checkbox"/>	excess claims	
<input type="checkbox"/>	issue fee	
<input type="checkbox"/>	petition fee	
<input type="checkbox"/>	patent maintenance fee	
<input type="checkbox"/>	first maintenance fee	
<input type="checkbox"/>	second maintenance fee	
<input type="checkbox"/>	third maintenance fee	
<input type="checkbox"/>	patent maintenance fee surcharge	
<input type="checkbox"/>	other Notice of Appeal	
	TOTAL REFUND REQUESTED	<u>\$ 900.00</u>

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

An Office Action marked "Final" by the Examiner was mailed on April 7, 2006. On July 7, 2006 a Response to the Office Action was filed, and received by the U.S. Patent and Trademark Office (the Office) on July 10, 2006 as evidenced by the return postcard attached hereto.

Between September 6, 2006 and October 2, 2006 several telephonic conferences were conducted with the Examiner and SPE Joseph Field regarding the status of the application. It was determined that the delay was the direct result of a workload backup at the Office. An Advisory Action finally issued on October 3, 2006. A period of almost three months elapsed between the filing of the July 2006 Response and the issuance of the October 2006 Advisory Action.

The Advisory Action was responded to by filing a Request for Continued Examination on October 10, 2006 along with a three month Extension of Time, and the filing fees required therefor.

It is respectfully submitted that if not for the delay of the Patent Office, the fees associated with the second and third months Extension of Time of \$900.00 would not have been incurred by the applicant.

The three month delay was directly caused by the Office, and in turn caused the Applicant to incur the costs associated with the second and third month extension of time, namely \$900.00.

Due to the delay of the issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the second and third month extension of time for a total of \$900.00 was required.

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Amendment Transmittal (in duplicate)
2. Response
3. Return Postcard

All Under Certificate of Mailing

Applicant: SIN, Dong-Jun
For: METHOD OF FORWARDING AN SMS MESSAGE IN A
MOBILE COMMUNICATION SYSTEM
Filed: December 19, 2001
Serial No.: 10/024,922
Docket: 678-728
Date Sent: July 7, 2006
PJF/MJM/dr



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IV. MANNER OF REFUND

Please make refund by

X crediting Deposit Account No. 04-1121.

— refunding payment.

Dated: October 25, 2006

Respectfully requested,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

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PJF/MJM/dr

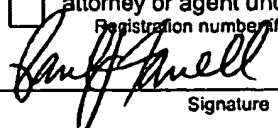


PTO/SB/22 (12-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

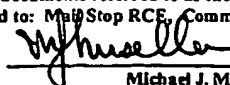
Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

APPLICATION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) 678-728 (P9744)	
Application Number 10/024,922		Filed December 19, 2001	
For METHOD OF FORWARDING AN SMS MESSAGE IN A MOBILE COMMUNICATION...			
Art Unit 2617		Examiner SMITH, Sheila B.	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ <u>1,020.00</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		10/16/2006 H00000021 10024922	
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.		02 FC:1253 1020.00 DP	
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>04-1121</u> . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>33,494</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 Signature Paul J. Farrell		October 10, 2006 Date (516) 228-8484	
Typed or printed name		Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

CERTIFICATION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 10, 2006


Michael J. Musella

11/03/2006 SFELEKE1 00000008 10024922

01 FC:1251

120.00 DP

Repln. Ref: 11/03/2006 SFELEKE1 0012445600
DRA:041121 Name/Number:10024922
FC: 9204 \$900.00 CR

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Adjustment date: 11/03/2006 SFELEKE1
10/16/2006 H00000021 10024922
02 FC:1253 -1020.00 DP